



U.S. Department of Justice

*United States Attorney
Southern District of New York*

*The Silvio J. Mollo Building
One Saint Andrew's Plaza
New York, New York 10007*

January 29, 2019

VIA ECF and U.S. MAIL

The Honorable Lorna G. Schofield
United States District Court
Southern District of New York
40 Foley Square
New York, New York 10007

Re: Kevin Lowe v. United States, 18 Civ. 898 (LGS)

Dear Judge Schofield:

The Government writes at the Court's direction to provide an update on the defendant's Freedom of Information Act ("FOIA") request which broadly seeks nearly two dozen categories of documents generally related to his prosecution (the "Request"). As previously noted, the Request was forwarded to the U.S. Department of Justice, Executive Office for United States Attorneys Freedom and Information Privacy Staff (the "EOUSA FOIA Office"), which handles such requests and which is still in the process of responding to the Request.

Since the Government's last update on December 4, 2019, this Office, at the request of the EOUSA FOIA Office, has conducted a search for documents responsive to the Request. This Office identified approximately 5,000 pages of material that may be responsive and has provided that material to the EOUSA FOIA Office which is in the process of reviewing the same to determine whether any or all of it is subject to a FOIA exemption or, alternatively, is properly obtainable through the FOIA process. Given the volume and the sensitivity of at least some of the materials, and its current workload, the EOUSA FOIA Office has advised us that it expects that review to take several months. Assuming any material is properly disclosable through FOIA, the EOUSA FOIA Office will communicate directly with the defendant about the cost and method of producing that material to the defendant.

If it would be of assistance, the Government is happy to provide further status updates to the Court and would respectfully suggest doing so next in approximately 60 days. The Government further understands that the EOUSA FOIA Office continues to be in direct contact

with the defendant about the status of the Request and has communicated with him about the status of his request recently.

Respectfully submitted,

GEOFFREY S. BERMAN
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By: /s/
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cc: Kevin Lowe (by U.S. Mail)